

EXHIBIT HH

Deposition of Jesse Reyes

Reyes, et al. v. Chilton, et. al.

May 18, 2023



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1 your ballot at any time?

2 A I think they sent something in the mail to the
3 Washington address. At that point, my dad would kind
4 of fill me in on that, but since I was out of the
5 state, I wasn't going to buy a plane ticket to go to
6 Washington and get my signature revalidated.

7 (Exhibit No. 3 marked.)

8 BY MS. O'SULLIVAN:

9 Q If you could turn to Tab C in your binder,
10 please. This document is labeled the Second Amended
11 Complaint For Relief.

12 Do you recognize this document?

13 (Pause in the proceedings.)

14 Q Do you recognize this document, Mr. Reyes?

15 A Yes.

16 Q Is that your name on the first page in the
17 case caption?

18 A Yes.

19 Q Is this the complaint that's been filed in
20 this case?

21 A Yes.

22 Q Would you please turn to Page 4, Paragraph 8.

23 A (Complies.)

24 Q Paragraph 8, at the bottom of the page reads,

25 "Between 2016 and 2020, Mr. Jesse Reyes had his ballot

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1 rejected for a signature mismatch"; is that correct?

2 A Yes.

3 Q When you say you had your ballot rejected for
4 signature mismatch, what do you mean?

5 MS. WAKNIN: Object to form.

6 A That when I signed my ballot and sent it in,
7 it got denied after I filled it out and mailed it in.

8 BY MS. O'SULLIVAN:

9 Q What do you mean, "it got denied"?

10 A Due to the signature mismatch.

11 Q Do you mean that your vote was not counted?

12 A Yes.

13 Q Do you recall for which election your ballot
14 was rejected?

15 A I cannot recall.

16 Q But do you recall it being rejected more than
17 once?

18 A Yes.

19 Q And for those elections for which your ballot
20 was rejected, you followed the same process as we
21 discussed earlier?

22 MS. WAKNIN: Object to form.

23 BY MS. O'SULLIVAN:

24 Q You received a ballot in the mail?

25 A Yes.

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1 does not know whether his vote was counted in the 2021
2 election in which he voted."

3 Did I read that correctly?

4 A Yes.

5 Q Under Subsection B, the heading 2016 to 2019
6 Elections reads, "Plaintiff voted in elections in 2021
7 and recalls voting in the 2018 primary election and
8 2016 general election. Plaintiff does not recall
9 other details except that he received at least one
10 notice of signature mismatch apart from the one
11 received in 2021 but does not recall the election(s)
12 to which the notice(s) pertained."

13 Did I read that correctly?

14 A Yes.

15 Q And under the Supplemental Response,
16 Subpart C, 2022 Election, it reads, "Plaintiff voted
17 in the 2022 General Election held on 11/8/2022"; is
18 that correct?

19 A Yes.

20 Q And so you do recall receiving at least one
21 notice of signature mismatch. Do you remember which
22 elections now?

23 A I believe the 2018.

24 Q The 2018 primary election?

25 A Uh-huh.

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1 Q So it wasn't in the 2016 general election?

2 A I received a couple notices.

3 Q Okay. Let's turn back to the second amended
4 complaint, which is Tab C.

5 A (Complies.)

6 Q Page 5, Paragraph 9 reads, "Mr. Reyes received
7 a letter in the mail from Chelan County Elections
8 Office notifying him that he must cure his signature."

9 Did I read that correctly?

10 A Yes.

11 Q When did you receive the letter from Chelan
12 County Elections Office?

13 A I do not remember. I do not recall what year
14 and date exactly. I imagine it was in the years that
15 I voted. It must have been 2016 or 2018 or both.
16 Probably both.

17 Q Can you turn to Tab F of your binder, please.

18 (Exhibit No. 6 marked.)

19 BY MS. O'SULLIVAN:

20 Q The bottom of the page is marked
21 REYES-PLAINTIFFS_000284; is that correct?

22 A Yes.

23 Q Do you recognize this letter?

24 A It does look familiar.

25 Q Is that your name and address at the top?

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1 A Yes.

2 Q Is it dated November 3rd, 2021?

3 A Yes.

4 Q Is this the letter you're referring to in
5 Paragraph 9 of the complaint?

6 A On what page?

7 Q Paragraph 9 is on Page 5 of the complaint.

8 A On what tab?

9 Q C.

10 A Yes.

11 Q So this is the cure letter that was sent to
12 you by Chelan County?

13 A In the year 2021, yes.

14 Q How old were --

15 A I do not have the ones that were sent prior.

16 Q How old were you in November of 2021?

17 A 25, I believe.

18 Q Where were you living?

19 A At 113 Pheasant Canyon Court.

20 Q Were you in school at the time?

21 A No.

22 Q Let's turn back to Page 5 of the amended
23 complaint.

24 A (Complies.)

25 Q Page 5, Paragraph 10. Paragraph 10 reads,

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1 "Plaintiff Mr. Reyes was unable to cure his ballot.
2 His ballot was not counted."

3 Did I read that correctly?

4 A Yes.

5 Q What do you mean by you were unable to cure
6 your ballot?

7 MS. WAKNIN: Object to form.

8 A Difficult between work schedule, having a
9 child, and taking time to go down to the office and
10 get this signed.

11 BY MS. O'SULLIVAN:

12 Q So by unable to cure your ballot, you mean you
13 did not sign and return the cure the letter within the
14 time period required?

15 A Due to taking time out of my -- my workday
16 and -- yes, to come down and drop this off at their
17 office.

18 Q So again, by unable to cure you mean you did
19 not sign and return the cure letter within the time
20 period required?

21 A Yes.

22 Q Please don't flip beyond the exhibits that
23 we've already looked at. Thank you.

24 Let's look at Tab F again, the letter labeled
25 Plaintiffs_000284.

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1 A (Complies.)

2 Q Does the first paragraph of this letter say,
3 "The ballot you returned for the November 2, 2021
4 General Election has not been processed because the
5 signature on the ballot does not match the signature
6 currently on file in the Chelan County voter
7 registration records. (RCW 29A.40.110). It appears
8 that someone other than you may have signed your
9 ballot"?

10 A Yes.

11 Q Does that second paragraph say, "It is very
12 important to us that your ballot is counted. In order
13 for the Elections Office to be able to accept and
14 count your ballot, we have added a Signature Update
15 form on the back of this letter for you to fill out
16 and sign. The signature on the Signature Update form
17 must match the signature on the Affidavit of Voter
18 envelope that contains your voted ballot"?

19 A Correct.

20 Q Does the third paragraph say, "We realize that
21 signatures may change over time or that a person may
22 have a different signature if he or she is signing a
23 document in a hurry. When you signed your ballot
24 envelope you might have been in a rush and may have
25 signed your signature a little differently than you

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1 would have under other circumstances. If you feel
2 that this may apply to you, then this 'rushed'
3 signature is the signature we are requesting from you.
4 If you have several variations of your signature,
5 please feel free to sign the form with all versions of
6 your signature."

7 A Correct.

8 Q Does the next paragraph say, "By completing
9 and returning the form, you will enable the Elections
10 Office to have multiple variations of your signature
11 on file to compare with the current ballot and all
12 future ballots"?

13 A Correct.

14 Q Does the fifth paragraph say, "The signed form
15 should be returned in the enclosed envelope and MUST
16 be received in our office no later than 5:00 pm
17 Monday, November 22, 2021"?

18 A Correct.

19 Q And below that it says how to return this
20 form?

21 MS. WAKNIN: Object to form.

22 A Correct.

23 BY MS. O'SULLIVAN:

24 Q And under how to return this form, does it
25 say, "Mail / Or resolve in person," and lists the

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1 Chelan County Auditor Elections Office?

2 A Correct.

3 Q Under how to return this form, does it also
4 say, "E-mail," and list an email address for Chelan
5 County Auditor Elections Office?

6 A Correct.

7 Q Under how to return this form, does it also
8 list a fax number?

9 A Correct.

10 Q Under how to return this form, does it also
11 say, "Or any of our drop box locations"?

12 A Correct.

13 Q Below "Or any of our drop box locations," does
14 it say, "If you have any questions, please call the
15 Elections Office" at the number provided?

16 A Correct.

17 Q You can turn to the next page, which is
18 labeled at the bottom right corner Reyes
19 Plaintiffs_000285.

20 A (Complies.)

21 Q At the top of the form does it read "Signature
22 Update Form"?

23 A Correct.

24 Q Is this the signature update form to which the
25 letter on the previous page refers?

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1 Q Do you suffer from any medical conditions that
2 could impact your handwriting?

3 A I have asthma, but I don't think I was having
4 an asthma attack when I was writing it.

5 Q So "no"?

6 A No.

7 Q Have you ever spoken with anyone at the Chelan
8 County Elections office?

9 A What do you mean?

10 Q Have you ever been in contact with anyone that
11 works at the Elections Office by phone?

12 A Not that I can recall.

13 Q Have you ever spoken with anyone at the Chelan
14 County Elections Office via email?

15 A Not that I can recall.

16 Q Have you spoken with anyone at the Chelan
17 County Elections Office in person?

18 A When I went to go update my signature.

19 Q And that was in 2022?

20 A Yeah.

21 Q Have you ever witnessed a Chelan County
22 canvassing review board meeting?

23 A No.

24 Q When you went in person to the Chelan County
25 Elections Office in 2022, who did you speak with?

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1 A The person that was at the front desk when I
2 walked in.

3 Q You don't remember their name?

4 A No.

5 Q Have you ever observed the election process
6 performed by election staff in Chelan County?

7 A No.

8 Q So you've never poll watched or anything like
9 that?

10 A What do you mean by "poll watched"? Like
11 watched them as they counted the ballots?

12 Q Yes.

13 A No.

14 Q Going back to 2022, when you went in person to
15 the Chelan County Elections Office --

16 A Yeah.

17 Q -- could you describe what you were asked to
18 do there?

19 MS. WAKNIN: Object to form.

20 BY MS. O'SULLIVAN:

21 Q What were you asked to do to update your
22 signature?

23 A Sign a -- I think sign my ballot in front of
24 them, or re-sign it.

25 Q And then after that your ballot --

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Sherrilyn Smith, a Certified
Shorthand Reporter in and for the State of Washington,
do hereby certify that the foregoing transcript is
true and accurate to the best of my knowledge, skill
and ability. Reading and signing was requested
pursuant to FRCP Rule 30(e).




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